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Agenda item 140

Administration of justice at the United Nations

Report of the Sixth Committee

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I. Introduction

1. By its decision 64/527 of 16 December 2009, the General Assembly decided to include in the provisional agenda of its sixty-fifth session the item entitled "Administration of justice at the United Nations".

2. At its 2nd plenary meeting, on 17 September 2010, the General Assembly, on the recommendation of the General Committee, decided, in the light of resolutions 64/119 and 64/233 and decision 64/527, to include the item in its agenda and to allocate it to the Fifth Committee for its consideration and to the Sixth Committee for the purpose of considering the legal aspects of the reports to be submitted in connection with the item.

3. The Sixth Committee considered the item at its 1st, 4th, 5th, 12th and 18th meetings, on 4, 6, 15 and 22 October 2010. The views of the representatives who spoke during the Committee's consideration of the item are reflected in the relevant summary records (A/C.6/65/SR.1, 4, 5, 12 and 18).

4. For its consideration of the item, the Committee had before it the following documents:

(a) Report of the Internal Justice Council on the code of conduct for the judges of the United Nations Dispute Tribunal and the United Nations Appeals Tribunal (A/65/86);

(b) Report of the Internal Justice Council on the administration of justice at the United Nations (A/65/304);

(c) Report of the Secretary-General on the activities of the Office of the United Nations Ombudsman and Mediation Services (A/65/303);

(d) Report on the Secretary-General on the administration of justice at the United Nations (A/65/373 and Corr.1).

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5. Pursuant to decision 64/527, the Sixth Committee decided, at its 1st meeting, on 4 October 2010, to establish a Working Group on the Administration of Justice at the United Nations, in order to fulfil the mandate conferred by the General Assembly on the Committee, namely, the consideration of the legal aspects of the reports to be submitted in connection with the item. At the same meeting, the Committee elected Mr. Ganeson Sivagurunathan (Malaysia) as Chair of the Working Group and decided to open the Working Group to all States Members of the United Nations or members of the specialized agencies or of the International Atomic Energy Agency. The Working Group held three meetings, on 7, 11 and 14 October 2010.

6. At the 12th meeting of the Committee, on 15 October, the Chair of the Working Group on the Administration of Justice at the United Nations presented an oral report on the work of the Working Group (see A/C.6/65/SR.12).

II. Consideration of draft decision A/C.6/65/L.2

7. At the 12th meeting of the Sixth Committee, on 15 October, the Chair of the Working Group on the Administration of Justice at the United Nations introduced a draft decision entitled "Administration of justice at the United Nations" (A/C.6/65/L.2).

8. At its 18th meeting, on 22 October, the Sixth Committee adopted draft decision A/C.6/65/L.2 without a vote (see para. 10).

9. At the same meeting, the Committee decided that its Chair would send to the President of the General Assembly a letter drawing his attention to certain specific issues relating to the legal aspects of the reports submitted under the item, as discussed in the Sixth Committee. The letter would contain a request that it be brought to the attention of the Chair of the Fifth Committee and circulated as a document of the Assembly.

III. Recommendation of the Sixth Committee

10. The Sixth Committee recommends to the General Assembly the adoption of the following draft decision:

Administration of justice at the United Nations

The General Assembly decides that the consideration of the outstanding legal aspects of the item entitled "Administration of justice at the United Nations", including the question of effective remedies for non-staff personnel, as well as the code of conduct for the judges of the United Nations Dispute Tribunal and the United Nations Appeals Tribunal, shall be continued during its sixty-sixth session in the framework of a working group of the Sixth Committee, taking into account the results of the deliberations of the Fifth and Sixth Committees on the item, previous decisions of the Assembly and any further decisions that the Assembly may take during its sixty-fifth session. The Assembly also decides to include in the provisional agenda of its sixty-sixth session the item entitled "Administration of justice at the United Nations".